

DOCKET FILE COPY ORIGINAL

June 5, 1998

Ms. Magalie Romain Salas, Secretary
Federal Communications Commission
Room 222
1919 M St. NW
Washington, D.C. 20554

Re: Petition for Rule Making
New FM-Channel 233C3
Elko, Nevada

RECEIVED
JUN 9 1998
FEDERAL COMMUNICATIONS COMMISSION

Dear Ms. Salas:

Enclosed please find an original and five copies of a Petition for Rule Making, filed by L. Topaz Enterprises, Inc. requesting the allotment of FM Channel 233C3 to Elko, Nevada.

If this proposal is ultimately adopted, L. Topaz Enterprises, Inc. will promptly apply for authority to construct and operate a new station on the proposed channel.

An additional copy of this letter is enclosed with a postage paid envelope. Please date-stamp and return to me.

If you have any questions, please contact me at (608)831-8708.

Enclosures:

cc: John A. Korousos
Chief, Allocations Branch

Sent via certified mail

Respectfully submitted,

Dale A. Ganske
Dale A. Ganske, President
L. Topaz Enterprises, Inc.
5546-3 Century Ave.
Middleton, Wi. 53562

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MMB

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Amendment of Section 73.202(b)) MM Docket _____
Table of Allotments,) RM - _____
FM Broadcast Stations)
(Elko, Nevada))

To: The Chief, Allocations Branch

RECEIVED
JUN 12 1998
FEDERAL COMMUNICATIONS COMMISSION

PETITION FOR RULE MAKING

Comes now L. TOPAZ ENTERPRISES, INC., (hereafter "Petitioner"), pursuant to Section 1.401 of the Commission's Rules, and respectfully petitions the Commission to amend the FM Table of Allotments, 47 C.F.R. 73.202(b), to allocate FM Channel 233C3 to Elko, Nevada, as that community's third local FM service.

Proposal of Petitioner:

<u>City</u>	<u>Channel Numbers</u>	
	<u>Present</u>	<u>Proposed</u>
Elko, Nevada	229C2, 237C1	229C2, 233C3, 237C1

In support of this proposal, the following information is herewith submitted for consideration:

Elko is an incorporated community located in Elko County in northeastern Nevada, approximately 520 kilometers north of Las Vegas, Nevada. The city population is 14,736 and the county population is 33,530 1/. It is the county seat of Elko County. Adoption of this proposal will provide Elko with its third local FM broadcast service.

Attached hereto and made a part of this petition is a Technical Exhibit in support of the requested allotment. Based on the information contained therein, it appears that the requested channel could be allocated to Elko, in full compliance with the minimum distance separation requirements of Section 73.207(b) of the Commission's Rules, without the imposition of a site-restriction.

If this proposal is adopted, Petitioner will promptly apply for authority to construct and operate a new FM broadcast station at Elko, Nevada. If a construction permit is granted, Petitioner will promptly construct and operate the proposed station.

1/ Population figures from the 1990 U.S. Census.

In accordance with Section 1.52 of the Commission's Rules and Regulations, I hereby certify that I have examined the foregoing Petition for Rule Making and the attached Technical Exhibit and that both are true and correct to the best of my knowledge and belief.

WHEREFORE, it is respectfully requested that the instant petition be granted and that the FM Table of Allotments, Section 73.202(b), be amended as requested herein.

Respectfully submitted,

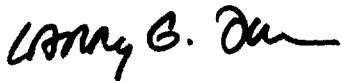
L. TOPAZ ENTERPRISES, INC.



Dale A. Ganske, President
5546-3 Century Avenue
Middleton, WI 53562
(608) 831-8708

by:

CONTEMPORARY COMMUNICATIONS



Larry G. Fuss, President
P.O. Box 1787
Cleveland, MS 38732
(601) 846-1787
(601) 843-0494 (Fax)

June 1, 1998



Contemporary Communications

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TECHNICAL EXHIBIT

**IN SUPPORT OF
PETITION FOR RULE MAKING
NEW FM - CHANNEL 233C3
ELKO, NEVADA**

L. TOPAZ ENTERPRISES, INC.

Prepared May 30, 1998

**CONTEMPORARY COMMUNICATIONS
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TECHNICAL EXHIBIT

**IN SUPPORT OF
PETITION FOR RULE MAKING
NEW FM - CHANNEL 233C3
ELKO, NEVADA**

L. TOPAZ ENTERPRISES, INC.

INTRODUCTION

This Technical Exhibit supports the petition of L. TOPAZ ENTERPRISES, INC., seeking to amend the FM Table of Allotments, Section 73.202(b) of the Rules, by allocating FM Channel 233C3 to Elko, Nevada, as that community's third local FM channel.

ALLOCATION

A study was performed using the computerized **SEARCHFM** frequency search program and the current FCC/NTIS database to determine if Channel 233C3 could be allocated in compliance with the minimum distance separation requirements of Section 73.207(b) of the Commission's Rules. The study included all applicable co-channel, adjacent-channel and IF separations. The results of that study indicate that Channel 233C3 may be allocated to Elko in full compliance with Section 73.207(b), without the imposition of a site-restriction.

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The "area-to-locate" for Channel 233C3 is indicated on Exhibit A, attached hereto. The exhibit depicts the required separation arcs from all pertinent co-channel and adjacent channel stations and allocations. As indicated, there is ample area in the vicinity of Elko in which to locate a transmitter site. Assuming maximum Class C3 facilities (25 kw @ 100 meters above average terrain), a transmitter site at any location within the "area-to-locate" would enable the proposed station to provide adequate city-grade (70 dBu) coverage to the entire city, in full compliance with Section 73.315(a) and (b).

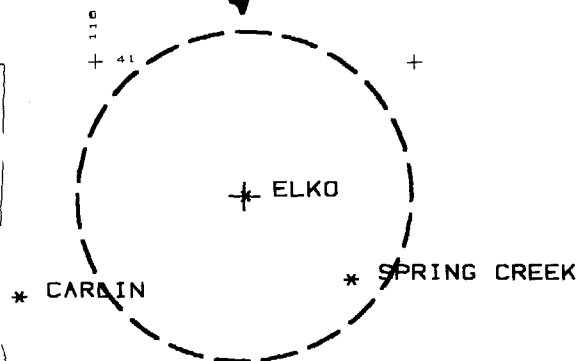
CONCLUSION

The proposed change in the table of allotments will not create a short-spacing to any existing station, pending application or vacant allotment, and will not require the reallocation of any station, pending application or vacant allotment.

A copy of the separation study for Channel 233C3 is attached hereto as Exhibit B and made a part of this report (only those stations and channels sufficiently close for concern are noted therein).

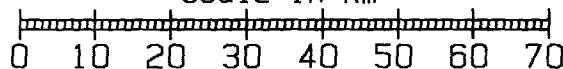
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AREA-TO-LOCATE
AND CITY-GRADE LIMIT



1:1,000,000

Scale in km



AREA-TO-LOCATE - CHANNEL 233C3

N. Lat. 40 50 19

W. Lng. 115 45 49

EXHIBIT A

ELKO, NEVADA

CONTEMPORARY COMMUNICATIONS
BROADCAST CONSULTANTS

EXHIBIT B

NEW FM DROP-IN SEARCH
ELKO NEVADA

REFERENCE

40 50 19 N
115 45 49 W

CLASS = C3

Current Spacings

Channel 233 - 94.5 MHz

DISPLAY DATES

DATA 05-27-98
SEARCH 05-30-98

Call	Channel	Location	Dist	Azi	FCC	Margin
N. Lat.	W. Lng.	Power	HAAT			
KVFX	LI 233C	Logan	UT 339.20	68.4	237.0	102.20
41 53 50	111 57 39	CN	70.000 kW	350 M		
	Sun Valley Radio, Inc.		BLH971113KA	980424		
CP233	CP 233C2	Sun Valley	NV 342.78	248.3	177.0	165.78
39 38 19	119 28 30	CN	2.500 kW	575 M		
	Lotus Radio Corp.		BPH960930ML	980427		
KCNO	LI 233C1	Alturas	CA 398.41	283.2	211.0	187.41
41 33 50	120 24 55	HN	100.000 kW	-59 M		
	KCNO, Inc.		BLH890920KE	970924		

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CERTIFICATION

State of Mississippi)
) ss.
County of Bolivar)

I, Larry G. Fuss, do hereby certify as follows:

- 1) I am a qualified and experienced broadcast consultant. I have been actively involved in the broadcast industry since 1972 and currently hold a lifetime FCC General Class Radio Telephone License (License No. PG-8-8450).
- 2) I have prepared numerous applications and rule making petitions which have been accepted for filing with the Federal Communications Commission.
- 3) I have been retained by L. Topaz Enterprises, Inc., to prepare the attached Technical Exhibit.
- 4) The Technical Exhibit, of which this deposition is a part, and the measurements, calculations, studies and determinations upon which this report is based, were prepared by me or under my supervision and direction. All material contained therein is believed to be true and correct, to the best of my knowledge and belief.

Larry G. Fuss
Larry G. Fuss
Affiant

5/30/98
Date